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OLDER AMERICANS ACT:
A SUMMARY

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CONTENTS

	<u>Page</u>
Title I. DECLARATION OF OBJECTIVES	
1.1 Legislative Development	1
1.2 Objectives	2
Title II. ADMINISTRATION ON AGING	
2.1 Establishment of Administration on Aging	2
2.2 Duties and Functions	3
2.3 National Information and Resource Clearing House	3
2.4 Authorization to Appropriate (National Clearing House)	3
2.5 Federal Council on the Aging	4
2.6 1975 Amendments (Application of Other Laws)	4
2.7 Administrative Reports	5
2.8 Joint Funding of Projects	5
2.9 Authorization to Appropriate (Administration on Aging)	5
Title III. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING	
3.1 Purpose	5
3.2 Area Planning	6
3.3 1975 Amendments:	7
(3.310) Grants to Indian Tribes	7
(3.320) Area Plan Requirements (Transportation)	8
(3.330) National Priority Services	8
(3.340) Prior Plan Requirement on Legal Services (deleted)	9
(3.350) Apportionment Formula for State Administration	9
3.4 Model Projects	10
3.5 1975 Amendments (Model Project Requirements)	10
3.6 Authorization for Appropriations (Administration of State Plans)	10
3.7 Transportation Projects	11
Title IV. TRAINING AND RESEARCH	
4.1 Legislative Development	12
4.2 Training (Purpose)	12
4.3 Training (Appraisal of Needs)	12
4.4 Training (Attracting Qualified Persons)	13
4.5 Training (Personnel Employed or Preparing for Employment)	13
4.6 1975 Amendments (Training)	13
4.7 Research and Development	13
4.8 Transportation (Special Study; Demonstration Projects)	14
4.9 Multidisciplinary Centers of Gerontology	14
4.10 Authorization to Appropriate (Training and Research)	15
Title V. MULTIPURPOSE SENIOR CENTERS	
5.1 Purpose	15
5.2. Acquisition, Alteration, Renovation	15
5.3 Authorization to Appropriate (Acquisition, etc.)	16
5.4 Mortgage Insurance	16
5.5 Authorization to Appropriate (Mortgage Insurance)	16
5.6 Annual Interest Grants	16
5.7 Authorization to Appropriate (Annual Interest Grants)	17
5.8 Initial Staffing	17
5.9 Authorization to Appropriate (Initial Staffing)	17
Title VI. REPEALED TITLE VI; (FORMERLY NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM)	17
Title VII. NUTRITION PROGRAM FOR THE ELDERLY	
7.1 Administration	18
7.2 Allotment of Funds	18
7.3 State Plans	18
7.4 Program Requirements	19
7.5 Surplus Commodities	19
7.6 1975 Amendments	20
7.7 Appropriations Authorized	20

(IV)

	<u>Page</u>
TITLE VIII. (REPEALED TITLE VIII; FORMERLY THE "GENERAL" TITLE)	20
TITLE IX. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT	
9.1 Legislative Development	21
9.2 Project Qualifications, Matching Funds	21
9.3 Administration	22
9.4 Interagency Cooperation	22
9.5 Apportionment of Federal Funds	22
9.6 Authorization to Appropriate	23
9.7 1975 Amendments	23
CONCLUSION	25
FOOTNOTES	27
APPENDIX I	33

OLDER AMERICANS ACT: A SUMMARY^{1*}

TITLE I. DECLARATION OF OBJECTIVES

1.1 Legislative Development

Most Federal agencies administer programs that are confined to a single category of activity. For some housing is the exclusive interest. Others devote substantially all of their time to transportation, welfare, education or other statutorily declared and approved objectives. In order to function effectively, it was early recognized that a Federal agency that would be of service to the elderly could not confine its activities to a single concern. Thus when the Administration on Aging was brought into existence, the Agency objectives were broadly stated to make them coextensive with the diverse concerns of the clientele that would be served.

The idea for a special Federal agency to serve the elderly was an outgrowth of the 1961 White House Conference on Aging. After the conference was concluded, the Special Staff on Aging in the Office of the Secretary of Health, Education, and Welfare began drafting legislation that would bring into existence a program that would be devoted to improving the quality of life for older Americans.² The legislative vehicle that made both the program and the administering organization a reality is the Older Americans Act of 1965.^{2a} Representative John Fogarty of Rhode Island and Senator Pat McNamara of Michigan were the principal sponsors of the legislation.³ The bill as passed by Congress was signed into law by President Johnson who said that the Older Americans Act "clearly affirms our Nation's high sense of responsibility toward the well-being of older citizens...Under this program, every State and every community can move toward a coordinated program of both services and opportunities for older citizens."⁴ On October 26, 1965, President Johnson appointed William D. Bechill as the first Commissioner of the Administration on Aging. Currently Dr. Arthur S. Flemming is Commissioner of the Administration on Aging.

After the Older Americans Act became law in 1965, Congress periodically reexamined the program to see if it was producing the benefits that were intended. In some years Congress thought that a tuneup was all that was needed. In other years, as in 1973, a major overhaul of the program was undertaken. In all the Act has been amended six times, most recently in 1975.⁵

* Footnotes at end of summary.

1.2 Objectives

Generally the Older Americans Act is directed to giving older Americans opportunities for full participation in the benefits of our democratic society. A ten-point program to assist older Americans is envisioned by the Act. As stated in the Act, the objectives are to assist older people to secure the full and free enjoyment of:⁶

1. An adequate income
2. The best possible physical and mental health
3. Suitable housing
4. Full restorative services
5. Employment without age discrimination
6. Retirement in health, honor and dignity
7. Participation in civic, cultural, and recreational activity
8. Community service
9. Immediate benefit from research
10. Freedom and independence

TITLE II. ADMINISTRATION ON AGING

2.1 Establishment of Administration on Aging

Congress intended to establish an Agency with high visibility to administer the Older Americans program. But as late as 1973 disappointment was expressed with the organizational arrangements made by the Department of Health, Education, and Welfare, and there was more than a suggestion that Congressional intent had been subverted. The Administration on Aging had been grouped with the Social and Rehabilitation Service with the Commissioner on Aging reporting to the Administrator of the Social and Rehabilitation Service. It was also thought inappropriate that the non-welfare orientated programs of the Administration on Aging should fall within the organizational arrangements of an Agency that is generally regarded as a welfare agency. An erosion of the Commissioner's authority over administration of the Older Americans' program was also noted. The Title IV Research and Demonstration Program had been placed under the Associate Administrator of the Social and Rehabilitation Service; the Title VI Retired Senior Volunteer Program and Foster Grandparent Program had been moved to the new Action Agency, and many of the operational responsibilities for Title III had been delegated to the Social and Rehabilitation Service regional offices. Thus as late as 1971, an Advisory Council to the U. S. Special Committee on Aging reported that:

"...the AoA falls far short of being the Federal 'focal point on aging' sought by Congress. Instead its concerns are splintered and scattered; there are limited, if any, policies and few clear-cut goals. Recent reorganizations have not strengthened Federal programs and commitment in aging in any way. Rather, they have fragmented an already flawed and feeble agency still further. This situation has created chaos as well as a lack of direction in Federal and State programs." ⁷

To strengthen the Commissioner's position, Congress included in the 1975 Amendments language prohibiting delegation of the Commissioner's functions to any officer not responsible to the Commissioner, and providing that the Commissioner would be responsible only to the Secretary of Health, Education, and Welfare.⁸

2.2 Duties and Functions of the Administration on Aging

A detailed description of the duties and functions of the Administration on Aging is included in the Act. Sixteen categories of activities for performance by the Administration are mentioned. With respect to matters concerning the aged and involvements of aging, the administration is directed to:⁹

1. Serve as a clearinghouse for information
2. Administer grants
3. Develop plans, conduct and arrange for research
4. Assist the Secretary of Health, Education, and Welfare
5. Provide technical assistance and consultation services
6. Prepare, publish, and disseminate materials
7. Gather statistics
8. Stimulate more effective use of resources and services
9. Develop policies and set priorities
10. Coordinate Federal programs and activities
11. Coordinate and assist in planning and development by public and private non-profit organizations to establish a nationwide network of comprehensive services
12. Hold conferences of public and nonprofit private organizational officials
13. Develop and operate programs not otherwise provided by existing programs
14. Continually evaluate programs and activities, paying particular attention to Medicare, Medicaid, Age Discrimination Act of 1967, and the National Housing Act
15. Provide information and assistance to private non-profit organizations
16. Develop plans for education and training, and in consultation with the Director of Action, encourage the participation of voluntary groups including youth organizations

2.3 National Information and Resource Clearing House

As contemplated by the Act, the Commissioner would establish and operate a that National Clearing House/would provide information to older persons directly or through State information and referral sources on a wide range of subjects pertaining to the aged, aging processes, or of interest to older people. The Commissioner would also arrange for the coordination of information and referral activities of other departments and agencies of the Federal government having information relevant to older persons.¹⁰

2.4 Authorization to Appropriate Funds for National Clearing House

Authorization is extended to appropriate funds to carry on the functions of the National Clearing House.¹¹ The 1975 Amendments to the Older Americans Act extended authorization for the program through fiscal year 1978.

2.5 Federal Council on the Aging

The 1973 Amendments authorized the establishment of a Federal Council on the Aging to consist of 15 members appointed by the President, with the advice and consent of the Senate for terms of 3 years, for the purposes of advising the President on the needs of Older Americans and assisting the Commissioner in appraising the need for personnel in the field of aging.¹² In addition to advising the President and the Commissioner, the Federal Council on Aging has extensive duties relating to review and evaluation of policy and programs affecting older people, serving as a spokesman for the elderly, informing the public, and providing forums for discussing and publicizing problems. Not later than March 31st of each year, the Council is required to submit a report to the President, who is required to furnish a copy to Congress, on its findings and recommendations. The Council is also directed to undertake a study of the interrelationship of Federal, State and local benefit programs for the elderly, and to undertake a study of the combined impact of all taxes on the elderly. (Sec. 205h) Originally the study was to be completed within 18 months of the date of enactment of the 1973 Amendments. Several extensions were granted to complete the study. A report of 64 pages, together with appendices, encompassing the results of both of these studies was submitted by the Federal Council in 1976, and is now available through the United States Government Printing Office.

The Council was also directed to undertake a study, and submit a report, on the formula for apportioning Federal funds to the States for area planning and social services under Title III. (Sec. 205i) This study was completed, and the results incorporated into a report of the Federal Council on Aging dated December 30, 1974.

2.6 1975 Amendments (Application of Other Laws)

Sec. 102 of the 1975 Amendments (PL 94-135) added a new provision (Section 211) to the Act. This new provision states that the Act of December 5, 1974 (PL 95-510; 88 Stat. 1604) shall not apply to the administration of the Older Americans Act or to the administration of any program or activity under the Act. The Act of December 5, 1974, mentioned in new Section 211, is the Joint Funding Simplification Act, which absent the exclusion added to the Older Americans Act by new Section 211, would allow the transfer of programs from one Federal Agency or Department to another Federal Agency or Department by mutual agreement reached between the Federal agencies. In the Conference Report (HR 94-670) that accompanied the 1975 Amendments, the conferees explained their reasons for the Section 211 addition to the Act by saying at page 36:

The amendment made by the conference substitute is included to reaffirm the intent of the Older Americans Act that the Administration on Aging be the focal point and advocacy point for aging within the Federal government. Permitting the Commissioner on Aging to enter into such agreements which could result in a transfer of program and financial authority for Older Americans Act programs from the Administration on Aging to another Federal agency would seriously erode the purpose of the Act."

2.7 Administrative Reports

Annually the Secretary of Health, Education, and Welfare is to make available to Congress and to the public the results of evaluative research conducted under the Act, and his findings and conclusions on the effectiveness of programs and projects conducted under the Act (Sec. 207(d)). Not later than 120 days after the close of each fiscal year, the Commissioner is to submit an annual report on activities carried out under the Act (Sec. 208).

2.8 Joint Funding of Projects

Where Federal funds are provided for a single project by more than one Federal agency--to any agency or organization assisted under the act--the Federal agency principally involved may be designated to act for all in administering the funds, if such arrangements conform to regulations prescribed by the President, and are consistent with other provisions of the Act (Sec. 209). This provision was added to Title II by the 1973 Amendments. The language of this provision is in many respects similar to the language of former Section 805, Title VIII. Title VIII was repealed by the 1973 Amendments. Although the new provision is patterned on former Section 805, the qualification that joint funding principles be employed only where "consistent with other provisions of the Act" was added in 1973. Other language of this provision makes it clear that where more than one Federal agency is supplying funds to a project, a single non-Federal share may be established, and any technical requirements of any Federal agency inconsistent with those of the administering Federal agency may be waived.

2.9 Appropriation Authorization for Administration on Aging

Such sums as may be necessary are authorized to be appropriated for the Administration on Aging's functions in carrying out the purposes of the Act. (Sec. 206(c)).

TITLE III. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

3.1 Purpose

Amendments that became law in 1973 completely revised Title III of the Older Americans Act.¹³ Extensive revisions were made to give State Agencies on Aging a more dynamic role in solving the problems and meeting the needs of older people. Motivation for the amendments is summed up in this House Report comment that accompanied the bill (H.R. 71) on which the amendments are based:

"The purpose of this new Title III would be to encourage and assist State or local agencies to concentrate resources in order to develop greater capacity for, and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary to reorganize or reassign functions, in order to

- secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and
- remove individual and social barriers to economic and personal independence for older persons."¹⁴

Even before the enactment of the 1975 Amendments to Title III, the effects of Title III funds under the old program were being felt at the local level. With the assistance of Title III money nearly all the States and Territories had prior to the 1973 Amendments established state offices on aging, and 395 local agencies on aging had been funded.¹⁵ In 1972 there were about one million persons being served by over 1,500 projects funded under Title III. More than 300 community programs were designed to maintain independent living arrangements for the elderly, and 466 programs were being conducted that involved older volunteers. To help provide a balanced diet, meals or home delivered meals were being served to 60,000 to 70,000 older persons. Attention was being directed to the transportation needs of the elderly through 428 projects, some having as their principal purpose the actual furnishing of transportation to the elderly and others involving transportation only as a component of the program. Health and health-related services were being delivered through 337 projects designed to make available nurses and in-home health aides for the home-bound elderly. State agencies drawing on Title III funds provided support for 623 senior centers that were being operated in public low-rent housing, churches, public and private buildings and institutions. Among their accomplishments these senior centers listed the training of 14,708 elderly for employment that provided opportunities for an active role in community life.

Consequently it was in a climate of some already proven successes that Congress was considering amendment of the Title III program. As modified by the 1973 Amendments the law is directed to building upon and expanding the accomplishments of the old program by designing a system that would hopefully act as a more effective catalyst in drawing upon and organizing local resources to make living conditions better and improve the quality of life for older people.

3.2 Area Planning and Social Service Program

As a result of the 1973 Amendments each State is required to adopt a plan for supplying social services to the elderly that meets criteria set out in the Act.¹⁶ A single agency must be designated as the sole State agency charged with the development and administration of the State plan.¹⁷

Further engrafted upon the Act is a requirement that the State Agency determine the areas for which an area plan will be developed, and a public or nonprofit private organization must be designated as the area agency on aging to serve such area.¹⁸ In turn the Area Agency on Aging must develop an area plan that complies with the requirements of the Act, and which must be submitted to the State Agency for approval.¹⁹ To help with the operational expenses of the Area Agency, the State Agency contributes to the support of the Area Agency, and the State Agency determines how much of the funds allotted to the State are to be apportioned among the various planning and service areas.²⁰

Those areas for which a plan has been developed will need, and will receive more favorable funding from the State Agency; and funds can be made available to them on a matching basis of 90% Federal to 10% non-Federal as compared with 75% Federal and 25% non-Federal in areas that have not been selected for development of an area plan. Not more than 15% of the State's allotment for area planning and social services can be used for the cost of administration of area plans, and not more than 20% of such allotment can be used for social services that are not delivered as a part of a coordinated and comprehensive system for which there is an area plan.²¹

Area Agencies on Aging are not usually direct providers of services. As to functions that might properly be performed by Area Agencies, the following comment extracted from the report of the Senate Committee that held hearings on the 1973 Amendments is illustrative:

"It is not intended, however, that the area agencies on aging shall be primary providers of services. In many communities existing organizations may already be engaged in providing services and the entry of the area agencies into the position of providing services is likely to result in duplication and overlap. Their primary concern must be to coordinate existing services and to stimulate the expansion of such services and the introduction of new services by other providers. State and area agencies alike are authorized to provide services though when it is determined, in the judgment of the state agencies, that such action is necessary to assure an adequate supply of services."²²

3.3 1975 Amendments to Title III

3.310 Grants to Indian Tribes

Again in 1975 extensive changes were made in Title III. It was sensed that not enough attention was being given to Indians as potential participants in programs for the aged. A provision was added to the law which in part provides that if the Commissioner determines that members of an Indian tribe are not receiving benefits under Title III which are equivalent to benefits provided to other older persons in the State or Area involved, and further determines that they would be better served

by direct Federal grants, a proportionate sum of the States allotment (in accordance with a prescribed formula) shall be reserved by the Commissioner to make grants to the tribal organization, or other entity having the capacity to provide services under Title III.

3.320 Area Plan Requirements (Transportation)

Both the House and Senate recognized that the transportation needs of the elderly were generally provided only on an uncoordinated and fragmented basis, and that eligibility requirements of other Federal programs might make it difficult to integrate these other programs with transportation programs being conducted under Titles III and VII of the Older Americans Act. Nevertheless, to the extent that such pooling might be possible, the legislative committees thought that transportation components available in various programs should be brought together. With this thought in mind, a provision was added to Title III that authorized State and Area Agencies to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973, and Titles VI, XIX, and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of persons receiving benefits under such Acts and older persons participating in programs under Titles III and VII of the Older Americans Act.²³

3.330 National Priority Services

Four national priority areas (transportation, home care, legal services, and home renovation and repair) are established by the 1975 Amendments to the Act.²⁴ As to the manner of providing such services, it seems clear that Congress did not intend that services in the priority areas be provided directly by Area Agencies on Aging. On this point the conferees said:

"The conferees wish to stress that requiring the funds allotted to a State be used for these purposes does not mean that State and area agencies on aging must provide them directly. Their funds may continue to be used for stimulating and coordinating the provision of services so long as the required amounts are used in the four service areas described above. Moreover, area agencies are required by an amendment to section 304(c)(2) of the Act to develop their area plans consistent with the provision of the State plan regarding the four national priority service areas."²⁵

Interest in concentrating more resources in the four priority areas was apparently stimulated by the results of a Congressional Research Survey. The survey showed that some States had not devoted much effort to supplying transportation, homemaker, legal, and ^{home}repair and renovation services. The conferees summarized the results of the survey by saying:

"Finally, the conferees note that the conference substitute is based in part upon a survey taken by the Congressional Research Service at the direction of the House Committee on Education and Labor. The survey inquired of State agencies on aging as to how their funds are being used. With 49 of 56 States and jurisdictions responding, it was found that 10 States are currently spending less than 20 percent of their funds in the four priority areas designated in the House bill. Eight states are spending more than 20 percent but less than 33-1/3 percent. Thirty-one of the States are already spending more than 33-1/3 percent of their State plan allotment to provide the four priority services and thus presumably will not be affected by the conference substitute language. Many of the States that are spending heavily in these four areas are concentrating their resources primarily on transportation for the elderly. While the conferees are in agreement that transportation is a vitally important service to older people, it is hoped that all States will also expand their activities to cover the other three priority services as well, to the extent that funds permit."²⁶

3.340 Deletion of Prior Plan Requirement on Legal Services

Prior to the 1975 amendments, the Act required Area Agencies on Aging where necessary and feasible, to enter into arrangements to provide legal services to older persons residing in the planning and service area.²⁷ Because other provisions for meeting the needs of the elderly for legal services were made in the 1975 amendments, the language directing the provision of legal services where "necessary and feasible" was no longer considered appropriate, and was deleted.²⁸

3.350 Apportionment of Funds for Administration of State Plans: Minimum Allotment

Federal funds for administration of State plans are apportioned in accordance with a formula. Each State that has adopted a State plan is allowed from the funds appropriated a percentage that is based on the ratio of the State's population aged 60 or over to the population aged 60 or over in all States.²⁹ In the 1973 amendments a provision was added that entitled each State to receive for State administration at least one-half of 1% or \$160,000 (even though the State may have been entitled to less under the apportionment formula).³⁰ The 1975 Amendments changed the minimum for State Administration to \$200,000.³¹ Other language of the 1975 Amendments provided that in any fiscal year no State shall receive from Federal funds for administration of its State plan less than its 1975 allotment; and further provided that if additional funds are needed for State administration, the Commissioner may, if certain conditions are met, approve the use of additional funds for State administration even though such funds would normally be available under Sec. 303 only for other purposes.³² The Commissioner's discretionary authority to approve the use of additional funds is subject to the limitation that any additional amount that the Commissioner may elect to approve for State administration cannot exceed three-quarters of 1% of the amount of the State's allotments under Section 303(b) (planning and social service program) and Section 703(a)

(nutrition program). The Act has always required a contribution from the State to pay part of the cost of State Administration. Since 1969 Federal funds may be used to pay no more than 75% of the cost of State Administration.³³

3.4 Model Projects

The Committees having legislative jurisdiction over the Older Americans Act recognized that there was a need for special projects, in addition to projects being operated by the States and by Area agencies. Prior to the 1973 amendments, provisions for model projects were included under Sec. 305 of the Act (Areawide Model Projects). The 1969 Amendments authorized the Commissioner to make grants for model projects "upon such terms as he deemed appropriate" while the 1973 amendments interjected the requirement that such grants should be made "after consultation with the State agency."³⁴ Model project grants could be made only to the State agencies under the 1969 Amendments, but the 1973 Amendments broadened the eligible group to include public or nonprofit private agencies or organizations. Matching funds for model projects were required under the 1969 Amendments with the Federal share not to exceed 75% of the project cost, but the 1973 amendments eliminated the matching requirement. Up to the time of the 1973 Amendments, no target areas were specified for model projects, however, the 1973 amendments named four areas of concentration, (1) special housing needs, (2) continuing education, (3) preretirement education, and (4) services that meet particular needs of physically and mentally impaired older persons.³⁵

3.5 1975 Model Project Requirements

Three additional objectives for model project funds are named in the 1975 Amendments.³⁶ These objectives are:

1. "ombudsmen services for residents of nursing homes",
2. needs of those "not receiving adequate services under other provisions" of the Act with emphasis on the needs of low income minorities and the rural elderly, and
3. assisting older persons to maintain independent living arrangements by providing assistance for senior ambulatory care day centers, and maintaining or initiating arrangements with the Agency of the State that administers or supervises the State Plan under Title XIX (Medicaid).³⁶

3.6 Authorization for Appropriations

From 1969 until the 1973 Amendments, the Act contained separate clauses to authorize appropriations for (1) project support, and (2) for planning, coordination, evaluation and administration of State plans. The 1973 Amendments placed these

authorizations for appropriations in a single clause, Section 303, covering both the funding of (1) social services under Area plans, and (2) the expenses of State administration. Another Section of the Act, Section 306, refers back to Section 303 in citing appropriation authority for "Planning, Coordination, Evaluation and Administration of State Plans". Thus it is necessary to refer to Section 303, the general appropriation authorization clause for Title III, to find appropriation authority for Section 306, State administration.

Funds for State administration are distributed in accordance with a formula,³⁷ and certain limitations are placed on the use of these Federal funds. For instance, such percentage as the State agency determines, but not more than 75 percentum of the cost of administration of the State plan may come from Federal funds.³⁸

Federal funds allotted for State administration, which are not used for administration of the State plan, may be used by the State to cover part of the cost of administration of Area plans.³⁹ If the Commissioner determines that all of a State's allotment will not be needed for a particular year, the part that will not be needed may be apportioned among other States in accordance with the formula provided for such distribution.⁴⁰ Federal funds to help support area plans for social services are also allocated among the States as provided by a statutory formula.⁴¹ As contemplated by the Act, the State will decide what amount of funds from its Federal allotment should be apportioned to each planning and service area. Written into the law, however, are certain restrictions that limit the amount that can be spent for administrative costs, and also limits the amount that can be spent for social services that are not made available as a part of an area plan.⁴² With respect to each category of activity (administrative, social services) carried on in a planning and service area, only a percentage of the costs may be absorbed by Federal funds, and the law specifies what that percentage is.⁴³

Authorization for appropriation of funds to carry out the purposes of the Act have been available since the Act's inception, with a gradual escalating--of the amounts authorized, however, within the past few years amounts actually appropriated for functions of the Older Americans Act have remained fairly static.⁴⁴

3.7 Transportation Projects

The 1974 Amendments added a special program to help solve some of the transportation problems, and meet some of the transportation needs of older people.⁴⁵ Similar to other grant provisions of the Older Americans Act, this program also requires a local contribution to match a Federal contribution of 75%. Sums appropriated for transportation projects under this Section are to be apportioned to the

States in accordance with the Title III distribution formula (Sec. 303(b) of the Act). Unlike other Title III programs that have a common source of authority for making appropriations, this transportation program has a separate clause authorizing appropriations for special projects.⁴⁶

TITLE IV. TRAINING AND RESEARCH

4.1 Legislative Development

The authors of the Older Americans Act believed that older people must frequently draw upon kinds of services that are necessitated by their own peculiar conditions and circumstances. Services of this character were not always generally available. And the framers of the legislation wished to fill this void by establishing a program that would encourage those looking for careers to acquire the kinds of skills that would be beneficial to the elderly.

At the time of the 1973 Amendments to the Act, research and development programs were covered under Title IV, and training activities under Title V. Because these programs were closely related, it was decided to bring both "research" and "training" under Title IV. The new Title IV was then divided into three parts, Training, Research, and Multidisciplinary Centers of Gerontology. In the 1967 Amendments a study was authorized of the need for trained personnel in the field of aging. Results of the study pointed up the necessity for multidisciplinary centers of gerontology, both to provide higher visibility to the field of aging, and to afford opportunities for those acquiring skills that are helpful to older people to have some contact with their clientele during training and to acquaint themselves with the personnel and facilities that serve older people.⁴⁷ Motivated at least in part by these considerations, and perhaps in part by similar recommendations made by the 1971 White House Conference on Aging, Congress in 1973 decided to add multidisciplinary centers of gerontology as a Title IV program to be supported by Federal funding.⁴⁸

4.2 Training (Purpose)

The training program is intended to improve the kinds of services that are needed by the elderly. And in this area a variety of approaches is contemplated by the legislation, some designed to draw people into the field of aging, and others directed to promoting education, broadening and perfecting the kinds of skills that are most beneficial to the elderly.⁴⁹

4.3 Training (Appraisal of Needs)

The Commissioner is required to appraise the needs of skilled personnel in the field of aging, and, as a part of the Administration's annual report, to publish his findings.⁵⁰

4.4 Training (Attracting Qualified Persons)

To encourage entry into the field of aging, the Commissioner may make grants to public or nonprofit private agencies, organizations, or institutions. The grantees may employ a variety of means to achieve their objective, including the dissemination of materials, publicizing opportunities, and the use of part-time assignments for craftsmen, artists, and scientists to induce them to apply at least a part of their talents and skills in ways that help older people.⁵¹

4.5 Training Programs for Personnel

To further the purposes of the training program, grants may be made by the Commissioner to appropriate organizations, institutions, and agencies to assist them in teaching personnel employed or preparing for employment in fields related to the purposes of the Older Americans Act.⁵²

4.6 1975 Amendments (Training)

For the purposes of attracting qualified persons to the field of aging, the 1975 amendments made it clear that higher educational institutions may have programs of less than 4 years and still be eligible for grants from the Commissioner. As amended in 1975, the Act provides that any school is eligible under the Act which provides "not less than a 1 year program" of training to prepare students for gainful employment in a recognized occupation. ⁵³

The Senate Report that dealt with the 1975 Amendments expressed concern about "the Administration's efforts to phase out longterm training programs." Language was added to the Act specifying that the Commissioner may make grants to assist those pursuing "post-secondary education courses of training or study related to the purposes of the Act."^{53a}

Authority was also added by the 1975 Amendments for the Commissioner to make grants for the training of lawyers and paraprofessionals to provide legal (including tax and financial) counseling and services to older persons, the training of personnel to monitor the administration of programs affecting older persons, and the training of persons associated with public or private nonprofit agencies to identify and develop solutions to problems affecting older persons.^{53b}

4.7 Research and Development

At the discretion of the Commissioner, a wide variety of research projects to benefit the elderly may qualify for federal assistance, including projects that are **intended** to identify wholesome and harmful factors in the environment of older people

promote the enrichment of their lives, aid in the coordination of community services, improve community services, and make available better methods of dealing with problems of the elderly.⁵⁴

4.8 Special Study and Demonstration Projects on Transportation

An all too pervasive problem of the elderly has been the unavailability of transportation. Inaccessibility frequently prevents older people from reaching even those services that are particularly targeted for them. The 1971 White House Conference on Aging pointed up the need for ways to increase the mobility of older people. In response Congress in 1973 added to Title IV of the Older Americans Act a separate section authorizing a study, and demonstration projects on methods that might be employed to expand the transportation capability for older people.⁵⁵ Incident to the study, the Commissioner is required to consult with the Secretary of Transportation and the Secretary of Housing and Urban Development, and the Commissioner is also directed to conduct a series of research and demonstration projects in coordination with the Secretary of Housing and Urban Development and the Secretary of Transportation. At least half of the projects were required to be conducted in a predominantly rural area.⁵⁶ Not later than January of 1975, the Commissioner is required to transmit the results of the study to the Secretary of Health, Education, and Welfare, the President, and Congress.⁵⁷

4.9 Multidisciplinary Centers of Gerontology

Federal support of multidisciplinary centers of gerontology was a recommendation of the 1971 White House Conference on Aging. It seems probable that the 1971 recommendation, at least in part, motivated Congress to make provisions for multidisciplinary centers of gerontology in the 1973 Amendments. Under the 1973 Amendments the Commissioner is authorized to make grants for the purpose of establishing or supporting multidisciplinary centers of gerontology.⁵⁸ In describing the contribution that these centers might make, the House report that accompanied the prospective legislation (H.R. 71) says:^{58a}

"The multidisciplinary centers authorized by this bill would: recruit and train personnel; conduct research into a variety of matters which affect the elderly, ranging from education to living arrangements; provide consultation and technical assistance regarding the planning of services for older persons; act as a repository of information related to its area of basic and applied research, encourage the incorporation of aging information into the teaching of biological, behavioral and social sciences in institutions of higher education; develop and operate short course training sequences for staff of State, area and local aging agencies; develop training programs on aging in schools of social work, public health, health care administration, education; and create opportunities for multidisciplinary efforts in teaching, research and demonstration projects related to aging.

4.10 Authorization of Appropriations--Part D

Part D contains all of the authorization to make appropriations for the principal parts of Title IV, Training (Part A), Research and Development (Part B), and Multi-disciplinary Centers of Gerontology (Part C). Such sums are authorized for appropriation as may be necessary.⁵⁹

TITLE V. MULTIPURPOSE SENIOR CENTERS

5.1 Purpose

According to the authors of Title V, the purpose of the "senior centers" federal assistance program is "to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons."⁶⁰ The term "multipurpose senior center" means "a community facility for the organization and provision of a broad spectrum of services" including health, social, nutritional, and educational services for the benefit of older persons."⁶¹ Developed in Title V are four concepts to promote senior centers. One of the concepts is concerned with providing grants for the alteration, acquisition, and renovation of senior centers. A second concept also included in Part A of Title V is intended to authorize the use of federal mortgage insurance to guarantee loans on senior centers. The third concept, also finance-related, is directed to reducing the mortgage interest payments on loans by allowing the Commissioner to pay a part of the interest that the Senior Center would be required to pay. The fourth concept (Part B of Title V) involves an authorization to the Commissioner to make grants to help with the initial staffing costs of senior centers. Each of these concepts will be discussed in more detail in subsequent paragraphs.

5.2 Acquisition, Alteration, or Renovation of Multipurpose Senior Centers

To assist with the establishment and continuation of "senior centers", the Commissioner is authorized to make grants to units of local government, public and private nonprofit agencies and organizations, and to enter into contracts, to pay not to exceed 75% of the cost of acquiring, altering or renovating existing facilities.⁶² Grants or contracts in any one State shall not exceed 10% of the total amount appropriated for the year. Before making grants or contracts, the Commissioner is required to obtain reasonable assurances that the facility will be used as a senior center for at least 10 years. Applications must also contain assurances that those performing work on the facility will be paid not less than the prevailing labor rate as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 USC 276a--276a5).⁶³ The Commissioner is directed in making grants and entering into contracts to give preference to areas where a comprehensive and coordinated system for delivery of services

to older people is being developed under Title III.⁶⁴ If within 10 years after receiving a grant or entering into a contract, the agency or organization loses its non-profit character, or the facility ceases to be used for the purpose for which it was acquired, a provision in Title V enables the United States to recapture its payments.⁶⁵

5.3 Authorization for Appropriations for Acquisition, Alteration, Renovation

For acquisition, alteration, and renovation of "multipurpose senior centers" as contemplated in Title V, there are authorized to be appropriated such sums as may be necessary.⁶⁶

5.4 Mortgage Insurance for Multipurpose Senior Centers

To make available urgently needed facilities for programs for the elderly, the Secretary of Health, Education, and Welfare is authorized to insure mortgages on "new multipurpose senior centers," and their equipment, in accordance with terms and conditions established by him.⁶⁷ Amount of the principal obligation being insured may not exceed \$250,000.⁶⁸ The Secretary has authority to fix the amortization terms, and must determine and collect a mortgage insurance premium.⁶⁹ Interest shall be at a rate not in excess of the amount that the Secretary finds necessary "to meet the mortgage market."⁷⁰ In administering this section, the Secretary of Health, Education, and Welfare is given certain functions, powers, and duties identical to those exercised by the Secretary of Housing and Urban Development under Title II of the National Housing Act, and some of the subsections of the National Housing Act are to be applied in carrying out this mortgage insurance program for multipurpose senior centers.⁷¹ Incident to administration of the mortgage insurance provisions, a MULTIPURPOSE SENIOR CENTER INSURANCE FUND (a revolving fund) is to be brought into existence.⁷²

5.5 Authorization for Mortgage Insurance for Multipurpose Senior Centers

To provide initial capital for the Multipurpose Senior Center Insurance Funds, there are authorized to be appropriated such sums as may be necessary.⁷³

5.6 Annual Interest Grants

The Secretary may make annual interest grants to reduce for the borrower the expense of maintaining loans incurred in connection with the acquisition, alteration, or renovation of senior centers.⁷⁴ The period for which such grants shall be made shall not exceed 40 years.⁷⁵ The interest grant cannot exceed the difference between the amount required to service the loan and the amount that would be required if the loan rate were 3%.⁷⁶ No State may receive more than 12½% of the funds appropriated.

5.7 Authorization for Annual Interest Grants

Such sums as may be necessary are authorized to be appropriated for annual interest grants.⁷⁷ Contracts for annual interest grants may not exceed the amount authorized by the appropriation.⁷⁸

5.8 Initial Staffing of Multipurpose Senior Centers (Sec. 511(b))

To assist with the cost of initial staffing of "senior centers," the Commissioner is authorized to make grants. Grants may not be for a longer period of time than 3 years. The amount of Federal assistance for initial staffing is decreased with each year of operation, and is limited to 75% for the first year, 66 and 2/3% for the second year, and 50% for the third year.

5.9 Authorization for Initial Staffing of Senior Centers

Such sums as may be necessary are authorized to be appropriated for "initial staffing of senior centers."⁷⁹

TITLE VI. REPEALED (FORMERLY NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM)

Title VI of the Older Americans Act, formerly "National Older Americans Volunteer Program," was added to the Act by the 1969 Amendments (Public Law 91-69, 9/17/69). Title VI was repealed by the "Domestic Volunteer Service Act of 1973" (PL 93-113, Oct. 1, 1973). Title II of the Domestic Volunteer Service Act of 1973 incorporated many of the features of Title VI of the Older Americans Act. From the time Title VI was enacted in 1969 until July 1, 1971, the Retired Senior Volunteer Program and Foster Grandparent Program was administered by the Administration on Aging. On that date, Foster Grandparents and Senior Volunteer Programs were transferred to the new ACTION agency in accordance with the President's reorganization Plan No. 1 of 1971. Treated as a part of related legislation in the 1975 Amendments to the Older Americans Act, Title II of the Domestic Volunteer Service Act of 1973 (Older Americans Volunteer Program) was extended for 2 fiscal years.⁸⁰

TITLE VII. NUTRITION PROGRAM FOR THE ELDERLY

Title VII, the legislative vehicle for the nutrition program for the elderly, was added by the 1972 Amendments.⁸¹ Prior to the enactment of Title VII, nutrition for the elderly received some limited attention through research and development projects conducted under Title IV of the Older Americans Act.

7.1 Administration

Responsibility for seeing that the Nutrition Program is providing the benefits Congress intended rests with the Administration on Aging. In furthering the purposes of Title VII, the Commissioner, as the chief administrative officer of the Administration on Aging, is directed to consult with the Secretary of Agriculture, and to use the technical assistance that might be supplied by the Department of Labor, Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and other appropriate Federal Departments and Agencies.⁸²

7.2 Allotment of Funds

From the sums appropriated, each State is allotted an amount that bears the same ratio to the sums appropriated as the population 60 and over of that State bears to the population 60 and over in all States, subject to certain statutory guarantees that assure each State and Territory at least a minimum of the funds available for distribution.⁸³ The Allotment of any State may be used to pay up to 90 percent of the cost of projects in the State, and is made upon the condition that the State will match the Federal grant with a 10 percent contribution.⁸⁴

7.3 State Plans

Federal assistance to State nutrition projects for the elderly will be supplied only if the State submits to the Commissioner (of the Administration on Aging) a State plan for the projects. The plan must conform to Title VII standards and criteria, and must be submitted in the form of an amendment to the State's plan for Social Services as required by Title III.⁸⁵ A single State agency must be designated as the only agency to administer and supervise the State's nutrition plan, and the Agency designated must be the same agency that is responsible for the State's Title III plan unless the Governor, with the approval of the Commissioner of the Administration on Aging, designates another agency.⁸⁶ The State plan must, among other requirements, contain assurances that the Federal allotment to the State will be used to make grants for nutrition projects to public or private nonprofit institutions, organizations, or agencies to provide up to 90% of the costs of food and food service, and up to 90% of the cost of supportive social and transportation services.⁸⁷ Up to 1973 a State was allowed to use up to 10% of its nutrition plan allotment to pay administrative costs. The 1973 Amendments provided that funds allotted for State administrative costs under Title III may be used for administration of the State's nutrition plan,⁸⁸ with the limitation that if any organization other than the State Agency on Aging has been designated to administer the nutrition program, the Commissioner shall determine how much of the

State's Title III funds can be used for administration of the State's nutrition program. Insight into the purpose of the Amendment can be obtained from the following Committee comment:

"Third, wherever Title VII is a part of a Title III comprehensive system, funds for planning for Title VII may come from Title III appropriations. It is the Committee's intent that by having wherever possible only one planning authority for such funding, Title VII funds can be used for providing additional nutritional services. The Committee is disturbed by reports that several States have assigned administration of Title VII programs to agencies other than the state office of aging and suggests that the Commissioner has authority under section 705(a) of the Act to disapprove such practices." ⁸⁹

Subject to guidelines established by the Commissioner, recipients of grants of contracts to sponsor a nutrition project may require those elderly persons receiving a meal to contribute something toward defraying the cost of the meal.⁹⁰

Another provision of the 1975 Amendments permitted nutrition projects to be made a part of the Title III social services system when mutually agreed upon by Area Agencies and those receiving nutrition grants.⁹¹ In explaining the purpose of the Amendment, the following comment appears in the House Committee Report:

"Second, provision is made for the integration of Title VII nutrition program into comprehensive and coordinated social service systems funded under Title III, but only, it should be emphasized, when such an arrangement is mutually agreed upon by both the Title III and the Title VII grantees. It is not the intention of the Committee to remove the special identity that the Title VII programs have already achieved, although we do encourage the integration of such projects with the comprehensive Title III programs."⁹²

7.4 Nutrition and Other Program Requirements

Those receiving grants or contracts for nutrition projects must administer the projects in accordance with the statutory provisions and the Commissioner's regulations. Included in the law and regulations are requirements that nutrition project sponsors must agree to provide at least one hot meal a day for five or more days per week for individuals 60 and over, and their spouses; and to include, as a part of such project, recreational activities, informational, health, and welfare counseling, at least where such services are otherwise not available.⁹³

7.5 Surplus Commodities

The Secretary of Agriculture must donate commodities to the Title VII nutrition projects, and must give special emphasis to furnishing high protein foods, meats, and meat alternates. When the program was established, authority was given to the Secretary of Agriculture to donate for the purposes of the Title VII projects commodities purchased by him under authority of Sec. 32 of the Act of Aug. 24, 1935.⁹⁴ In 1973, language was added to Title VII (Sec. 707(a) (2) and (3)) to make it clear that the Secretary of Agriculture had authority to make donations to the Title VII Nutrition Program under

two other agricultural commodity purchase and disposal systems.⁹⁵ Again in 1974 the Older Americans Act was amended; this time to require the Secretary to maintain "an annually programmed level of assistance of not less than 10 cents per meal."⁹⁶ Another feature of the 1974 Amendments required the Secretary of Agriculture to issue regulations clarifying the use of food stamps under Title VII.

7.6 1975 Amendments to Nutrition Program for Elderly

In addition to making technical changes in Title VII, the 1975 Amendments added a subparagraph to Section 707 (surplus commodities) that directs the Secretary of Agriculture to purchase meat and high protein foods for use in the Title VII projects.⁹⁷ Such sums as may be necessary are authorized to be appropriated for the new authority.⁹⁸ The 1975 Amendments to Title VII also expressly state that the Secretary's donations under the new authority (high protein foods) shall not be considered donated commodities for the purpose of meeting the requirement of maintaining through donation of commodities the statutory level of assistance required per meal "(initially 10 cents per meal, but raised to 15 cents per meal for 1976, to be supplied by the Secretary of Agriculture through the donation of commodities)".⁹⁹ Also the 1975 Amendments raised the annually programmed level of assistance from "10 cents per meal" to "15 cents per meal" during fiscal year ending September 30, 1976, and 25 cents per meal during the fiscal year ending September 30, 1977.¹⁰⁰ Another modification made the donation of commodities by the Secretary of Agriculture mandatory rather than permissive. For States that had phased out their commodity distribution facilities before June 30, 1974, relief from the consequences of the phase-out is provided in the 1975 Amendments by a provision that allows the State to receive cash, in lieu of donated commodities, to further the purposes of the State's nutrition program.

7.7 Appropriations Authorized

Authority to appropriate funds to carry out the purposes of the nutrition program is contained in Section 708 of the Act, except for newly created authority for the donation of commodities by the Secretary of Agriculture which is contained in Sec. 707(c) of the Act, as amended. For Section 708, the 1974 Amendments authorized appropriations for fiscal years 1975, 1976, and 1977; and the 1975 Amendments authorized appropriations for the transitional quarter, July 1 to September 30, 1976, and Fiscal Year 1978.¹⁰¹

TITLE VIII. REPEALED (FORMERLY THE "GENERAL" TITLE)

From the inception of the Older Americans Act, the last Title of the Act was the "General" title. When the Older Americans Act was signed into law in 1965, the last Title, or "General" Title, was Title VI. In 1969 Title VI became the "National Older Americans Volunteer Program," and the "General" Title was moved to Title VIII. When

the "Nutrition Program for the Elderly" was added in 1972, the "General" Title was moved to Title VIII and the "Nutrition Program" was included under Title VII. When the 1973 Amendments were enacted, Title VIII was repealed, and new sections were added to Title II that covered the same subjects that were formerly covered in Title VIII.

TITLE IX. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

9.1 Legislative Development of "Older Workers Program"

When the Older Americans Act was amended in 1975, Title IX, the "older workers program," was added to the Act.¹⁰² At the same time former authorization for an almost identical program contained in another legislative enactment was repealed.¹⁰³ Title IX is patterned on an employment and job training program popularly known as Operation Mainstream which was first authorized by the Economic Opportunity Act of 1964.¹⁰⁴ The program was subsequently continued as a part of the "Comprehensive Employment and Training Act of 1973,"¹⁰⁵ and supplemented by the "Older American Community Service Employment and Training Act of 1973."¹⁰⁶ Some further insight into the historical development of the program can be obtained from this comment that appeared in U. S. Code Congressional and Administrative News at the time of the enactment of Title IX, Older American Comprehensive Service Amendments of 1973:

"The program of Community Service Employment for older workers provided in this Title is modeled after the pilot program successfully conducted by the Department of Labor under operation mainstream. The operation mainstream program--which was delegated to the Department of Labor--as part of the reorganization of the office of Economic Opportunity--provides for contracts with private organizations to establish community service employment programs for workers aged 55 or older....This Title is intended to provide the needed opportunities by establishing an identifiable program within the Department of Labor to continue and expand upon the pilot program conducted under "operation mainstream."¹⁰⁷

9.2 Project Qualifications, Matching Fund Requirement

To promote part-time work opportunities for "unemployed low income persons who are fifty-five years or older and who have poor employment prospects," the Secretary of Labor is authorized to enter into agreements with public or private nonprofit agencies or organizations to pay (except in cases of emergency or disaster or in some economically depressed areas) not more than 90% of the cost of qualified projects.¹⁰⁸

One of the more important project qualifications requires that services of workers employed in the program be performed in connection with publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the Internal Revenue Code, however, in any event services may not be performed in and around religious houses of worship.¹⁰⁹ Transportation costs of workers enrolled in the program are an allowable item.¹¹⁰ Workers must be paid not less than the higher of the Federal minimum wage, State or local minimum wage, or the prevailing rates of

pay for persons employed in similar public occupations by the same employer.¹¹¹

The Secretary of Labor is authorized to determine the amount of the Federal share, which may not exceed 90% of the project cost.¹¹² The non-Federal share may be in cash or in kind.

9.3 Administration of Older Workers Program

In awarding contracts the Secretary of Labor is authorized to consult with the State and Area Agencies on Aging, through the Commissioner on Aging, to help him assess where the need is greatest for community service projects.¹¹³ And the Secretary is directed to require those receiving Federal assistance to coordinate Title IX projects and activities with other related manpower and unemployment programs if such coordination would increase job opportunities. Workmen's compensation insurance shall be provided for older workers participating in the Title IX program, and no contract may be entered into with anyone who does not provide workmen's compensation coverage equal to that required by law.¹¹⁴

9.4 Interagency Cooperation

In administering the older workers program, the Secretary of Labor is required to consult with and obtain the cooperation of other Federal agencies. The Secretary is also directed to enlist the assistance of other Federal Agencies and Departments in disseminating information about the older workers employment program. Among the agencies and departments specifically named are the Administration on Aging and the Department of Health, Education, and Welfare.

9.5 Apportionment of Federal Funds

When the older workers program, formerly authorized by the Older American Community Service Employment Act, was transferred to the Older Americans Act in 1975, changes were made in the apportionment formula. Prior to the 1975 Amendments, the law required that appropriations be divided among the States in the same proportion that the population 55 and over in a State bore to the population 55 years and over in all States with assurances that each State or protectorate would receive not less than a statutorily guaranteed amount. As amended in 1975, Title IX of the Older Americans Act requires the Secretary of Labor to initially reserve from the appropriation for the older workers program sufficient funds to maintain the 1975 level of activities conducted by national contractors under the Older Americans Community Service Employment program and related work programs.¹¹⁵ In making awards to national contractors, preference is to be given to organizations of proven ability. After making reservations

for national contracts, any remainder of appropriated funds is to be apportioned among the States on the basis of a formula which takes into account the number of persons 55 years or over in a State, and the per capita income of the State, as compared with the number of persons 55 years and over in all States and the National per capita income with further provision that all States and protectorates will be guaranteed certain minimum amounts.¹¹⁶ More specifically the remainder of appropriated funds will be distributed by giving each State an amount which bears the same ratio to the remaining funds as the product of persons aged 55 or over in the State times the "allotment percentage" of that State bears to the sum of corresponding products for all States.¹¹⁷ However, no state shall be allotted less than one-half of one percent of the funds remaining or \$100,000, and the allotment percentage shall in no case be more than 75% or less than 33-1/3%. There is a requirement that projects carried on by national contractors be distributed among areas within each State in an equitable manner, taking into consideration the proportion of eligible persons in a given area as compared with the total number of such eligible persons in the State, and the relative distribution of rural and urban elderly within the State.¹¹⁸ And the same requirements apply to any sums remaining, after reservation of funds for national contracts, which the Secretary of Labor might allow for projects within each State.

9.6 Authorization to Appropriate

Authorization is extended to appropriate funds for the older workers program for fiscal year 1976, the transitional quarter, 1977, and 1978. There is a further proviso that money appropriated for the Title IX program, included in the Older American Comprehensive Service Amendments of 1973, may be used for "operation mainstream" projects carried on under Title III of the Comprehensive Employment Training Act.¹¹⁹

9.7 1975 Amendments

In the 1975 Amendments, there is some amplification of the Act's language requiring older worker projects to produce an increase in employment. What was implied in the old law is spelled out in the new provisions. In this connection there are prohibitions against substituting Federal funds for local funds that would otherwise have been used in the performance of a project, employing an eligible individual to do substantially the same work as a person who is on layoff, and using an eligible individual to decrease overtime work of other employees.¹²⁰

Formerly there was a requirement that in carrying out the purposes of Title IX, and particularly in locating suitable localities for employment projects, the Secretary of Labor should consult with representatives of States and their political subdivisions.

The 1975 Amendments require that such consultation be with State Agencies on Aging, and appropriate Area Agencies on Aging, with the consultations to be carried on through the Commissioner of the Administration on Aging.¹²¹

At the time of the 1975 Amendments, the Act required the Secretary of Labor to consult and cooperate with certain Federal agency officials, including representatives of the Administration on Aging, in promoting and furthering the older workers program. The 1975 Amendments added some new language that requires the Secretary of Labor to "obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title."¹²²

The 1975 Amendments require a reservation of appropriated funds for National contracts sufficient to maintain the 1975 level of activities carried on under National contracts before any formula allocation of appropriated funds is made among the States.¹²³ A new factor was introduced into the formula for allocating funds to the States, the "allotment percentage," which provides that the per capita income of the State as compared with National per capita income, shall be given weight in the allocation formula.¹²⁴

At the time of the 1975 Amendments, there was, and still is, a requirement that funds for employment projects be apportioned among areas within the State in an equitable manner, considering the ratio of eligible persons in the area to eligible persons in the State.¹²⁵ The 1975 Amendments engrafted upon this provision the additional requirement that the relative "distribution of such individuals in rural and urban areas" should be considered in allocating funds within the State.¹²⁶

And since the 1975 Amendments transferred the "older workers program" to Title IX of the Older Americans Act, the enabling legislation of the predecessor program, Title IX of the Older American Comprehensive Service Amendments of 1973 (42 USC 3061 et seq.) was repealed.¹²⁷

Added by the 1975 Amendments was a provision that sums appropriated for Title IX of the Older American Comprehensive Services Amendments of 1973 may be used for Older American employment projects conducted as a part of Operation Mainstream under Title III of the Comprehensive Employment and Training Act of 1973.¹²⁸

The 1975 Amendments expanded the then existing definition of "community service" to make "legal and other counseling services and assistance, including tax counseling and assistance and financial counseling" eligible areas for Federally assisted older worker projects.¹²⁹

CONCLUSION

As envisioned by the framers of the legislation, the Older Americans Act was intended to be the tool that would provide assistance, direction, guidance, and even advocacy, for older Americans. The purposes of the Act are broadly stated, and so encompassing that if the objectives were fully realized, the lives of nearly all older Americans would be touched upon and enriched. Yet as a National program the funding and organizational machinery have never assumed any massive proportions. Modest funding, and the minimal array of organizational machinery, do not accurately reflect the effectiveness of the program. And this is true because the program's delivery system is designed to magnify the effects of dollars spent. Instead of providing services and assistance directly, the State and Area Agencies on Aging in a catalytic way draw upon and coalesce the benefits of other programs and the resources of local public and non-profit private organizations. Multiplication of benefits through cooperation and coordination is the key concept in the older Americans program. While Congress has in the past, and will in the future examine, and reexamine, the older American program for conceptual and mechanical weaknesses, for the moment the basic idea, structure, and delivery system appear sound.

FOOTNOTES

1. Public Law 89-73 (July 14, 1965) (42 USC 3001 et seq.), as amended by:
Public Law 90-42 (July 1, 1967)
Public Law 91-69 (Sept. 17, 1969)
Public Law 92-258 (March 22, 1972)
Public Law 93-29 (May 3, 1973)
Public Law 93-351 (July 12, 1974)
Public Law 94-135 (Nov. 28, 1975)
2. Federal Council on the Aging, "Report on Study of State Formulae for Funding Programs Under the Older Americans Act, p. 2 (Dec. 30, 1974)
- 2a. Public Law 89-73, July 14, 1965
3. U. S. Senate, "Developments in Aging 1965: A Report of the Special Committee on Aging," p. 39 (March 15, 1966). The House passed the measure (HR 3708, as amended) on March 31, 1965, and the bill was passed in the Senate with amendments on May 27, 1965. The House agreed unanimously to the Senate amendments on July 6, 1965.
4. U. S. Senate, Special Committee on Aging, "Developments in Aging 1966," Appendix E, "The Administration on Aging 1966" by Wm. D. Bechill
5. Public Law 90-42 (July 1, 1967)
Public Law 91-69 (September 17, 1969)
Public Law 92-258 (March 22, 1972)
Public Law 93-29 (May 3, 1973)
Public Law 93-351 (July 12, 1974)
Public Law 94-135 (Nov. 28, 1975)
6. Sec. 101 of the Act
7. U. S. House of Representatives, Committee on Education and Labor, Report No. 93-43, p. 8 (March 2, 1973)
8. Sec. 201(a) of the Act
9. Sec. 202(a) of the Act
10. Sec. 204 of the Act
11. Sec. 204(c) of the Act. For authorization and appropriation levels see APPENDIX I
12. Sec. 205 of the Act
13. Public Law 93-29, May 3, 1973
14. U. S. House of Representatives, Report No. 93-43, March 2, 1973, p. 12
15. U. S. Senate Report, Feb. 14, 1973, Report No. 93-19, p. 3
16. Sec. 305 of the Act
17. Sec. 304(a) (1) of the Act. Note, however, that the language of this provision is affected by application of the "Intergovernmental Cooperation Act of 1968" (PL 90-577) which states: Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid-program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: Provided, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

18. Sec. 304 of the Act
19. Sec. 304 of the Act
20. Sec. 303(e) of the Act
21. Sec. 303(c) of the Act
22. United States Senate, Report No. 93-19, p. 9 (Feb. 14, 1973)
23. Sec. 304(d)(1) of the Act; PL 94-135, Sec. 105
24. Sec. 305(a)(10) and (b); 42 USC 3025(a) and (b); PL 94-135, Sec. 106
25. U.S. House of Representatives, Report No. 94-670, p. 28, November 17, 1975
26. U.S. House of Representatives, Report No. 94-670, p. 28 (November 17, 1975)
27. Sec. 304(c)(4)(C) of the Act
28. P.L. 94-135, Sec. 105 (November 28, 1975)
29. Sec. 306(b)(1) of the Act which provides in part: "From the sums appropriated for any fiscal year under Section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States...."
30. Sec. 306(b)(1) of the Act
31. Public Law 94-135, Sec. 107
32. Public Law 94-135, Sec. 107(b)(2); House of Representatives of the United States, Conference Report No. 94-670, p. 42, (Nov. 17, 1975)--The conferees note that this provision is based on a substitute for a Senate amendment, saying: "The remainder of the Senate amendment is omitted by the conference substitute, and in lieu thereof the conference substitute authorizes States to apply to the Commissioner for authority to use funds allotted to the State under Sec. 303 for State administrative purposes."
33. Sec. 306(a)(1) of the Act; PL 91-69, Sec. 4(b), Sept. 17, 1969; the 1965 Act limited the Federal contribution for State plan administration to 50 percent (PL 89-73, Sec. 304)
34. Sec. 308(a) of the Act
35. Sec. 308(a) of the Act
36. PL 94-135, Sec. 108; 42 USC 1396
37. Sec. 306(b)(1) of the Act provides for an allocation of funds for State administration in accordance with a formula that allows each State to receive the same proportionate part of such funds as the ratio of the population aged 60 and over in a given State bears to the population aged 60 and over in all States with the qualification that no State shall receive less than \$200,000 or other eligible governmental entities less than \$62,500.
38. Sec. 306(a)(1) of the Act. The 1965 Act (Sec. 304) limited the Federal matching percentage for State plan administration to 50 percent. The 1969 amendments (Sec. 4b; PL 91-69) raised the limit to 75 percent.
39. Sec. 306(a)(2) of the Act
40. Sec. 306(c) of the Act
41. Sec. 303(b)(2) of the Act. The allotment formula provides for a distribution principally based upon the ratio a State's population 60 and over bears to the population 60 and over in all States with floors, however, to assure that each State and Territory will receive a minimum allotment.

42. Sec. 303(e) of the Act. Not more than 15% of the State's allotment can be used for the cost of administration of area plans, and not more than 20% can be used for social services not provided as a part of a system for which there is an area plan approved by the State agency. The remainder of the allotment may be used for social services provided as a part of a system for which there is an area plan approved by the State agency.
43. Sec. 303(e) of the Act. Federal funds may be used to pay 75% of the cost of administration of area plans, 75% of the cost of social services not provided as a part of a system included in an area plan, 90% of the cost of social services provided as a part of a system included under an area plan.
44. Sec. 303(a) of the Act. See APPENDIX I for Title III authorization and appropriation levels.
45. Sec. 309 of the Act (Public Law 93-351; July 12, 1974)
46. Sec. 309(a) of the Act. See APPENDIX I for authorizations and appropriations for Sec. 309.
47. U. S. House of Representatives, Report No. 93-43, p. 20 (March 2, 1973)
48. Public Law 93-29, May 3, 1973 (Sec. 421 of the Act, as amended)
49. Sec. 401 of the Act
50. Sec. 402 of the Act. Customarily the Commissioner holds hearings to provide factual data for the preparation of his report on manpower needs. Notice of the hearings are published in the Federal Register. (Fed. Register, 3/30/76, p. 13388)
51. Sec. 403 of the Act
52. Sec. 404 of the Act, as amended
53. Sec. 109, P.L. 94-135; amended Sec. 403 of the Act by expanding the language referring to "institutions of higher education" by adding "as defined in section 1201(a) of the Higher Education Act of 1965."
- 53a Sec. 110(b), P.L. 94-135; U.S. Senate Report 94-255 (June 25, 1975) p. 26
- 53b Sec. 110(c) of P.L. 94-135; Sec. 404(c) of the Act, as amended
54. Sec. 411 of the Act; this section is essentially the same as Sec. 401 of the Act as it read from 1965 until the 1973 amendments
55. Sec. 412(a) of the Act; Public Law 93-29, Section 401, May 3, 1973
56. Sec. 412(c) of the Act, as amended
57. Sec. 412(d) of the Act, as amended. In compliance with the Congressional directive, the Commissioner submitted in January of 1975 the requested transportation study. The study is identified as DHEW Publication No. (OHD) 75-20081, "Transportation for the Elderly--The State of the Art." See also transportation report prepared by Subcommittee on Federal, State and Community Services of the Select Committee on Aging and approved for publication by full Committee June, 1976.
58. Sec. 421 of the Act, as amended; Public Law 93-29, May 3, 1973
- 58a House Report 93-43, p. 20, March 2, 1973
- 59 Sec. 431 of the Act. See Appendix I for authorizations and appropriations for Title IV.
60. Sec. 501(a) of the Act
61. Sec. 501(c) of the Act

62. Sec. 501(a) of the Act. Title V was added to the Act by the 1973 Amendments (PL 93-29). Prior to the 1973 Amendments, Sec. 301 of the Act prohibited the use of Title III funds for costs of construction other than minor alterations and repairs.
63. Sec. 502(a)(4) of the Act
64. Sec. 502(b)(1) of the Act
65. Sec. 504 of the Act
66. Sec. 505(a) of the Act. See APPENDIX I for authorizations and appropriations for the Acquisition, Alteration, and Renovation of Multipurpose Senior Centers
67. Sec. 506(d) of the Act
68. Sec. 506(d) of the Act
69. Sec. 506(e) of the Act
70. Sec. 506(d)(3)(B) of the Act
71. Secs. 506(g) and (h) of the Act; Subsections (e), (g), (h), (i), (j), (k), (l) and (n) of Sec. 207 of the National Housing Act
72. Sec. 506(h) of the Act
73. Sec. 506(h)(5) of the Act
74. Sec. 507(a) of the Act
75. Sec. 507(b) of the Act
76. Sec. 507(b) of the Act
77. Sec. 507(c)(1)
78. Sec. 507(c)(2)
79. Sec. 511(d) of the Act
80. PL 94-135, Nov. 28, 1975. Title II of the Domestic Volunteer Service Act of 1973 was extended for 2 years, or through fiscal year 1978, with authorizations as follows: R.S.V.P.--\$22 million for fiscal years 1977 and 1978; Foster Grandparents--\$35 million for fiscal years 1977 and 1978; and Senior Companions--\$8 million for fiscal years 1977 and 1978
81. Public Law 92-258
82. Section 702 of the Act
83. Section 703(a)(1) of the Act
84. Sec. 703(c) of the Act
85. Sec. 705(a) of the Act
86. Sec. 705(a)(1) of the Act
87. Sec. 705(a)(2)
88. Sec. 705(a)(2)(B)
89. House of Representatives, Committee on Education and Labor, House Report No. 93-43, March 2, 1973, p. 24
90. Sec. 705(a)(2)(A)(ii)

91. Sec. 705(a)(5) of the Act
92. U. S. House of Representatives, Committee on Education and Labor, House Report No. 93-43, March 2, 1973, p. 24
93. Section 706 of the Act
94. 7 USC 612c
95. Commodity Credit Corporation, Sec. 416 of the Agricultural Act of 1949, 7 USC 1431; Dairy Products, Sec. 709 of the Food and Agricultural Act of 1965, 7 USC 1446 a-1
96. Public Law 93-351, July 12, 1975; Sec. 707(a)(4) of the Act as amended
97. Sec. 111(a) of PL 94-135; Sec. 707(c)(1) of the Act
98. Sec. 111(a) of PL 94-135; Sec. 707(c)(2) of the Act
99. PL 94-135, Sec. 111(a); Sec. 707(c)(2) of the Act, as amended
100. PL 94-135, Sec. 111(b); Sec. 707(a)(4) of the Act
101. See APPENDIX I for Nutrition Program authorizations and appropriations. Authorization to appropriate for the donation of commodities of the Secretary of Agriculture is contained in Sec. 111(a) of PL 94-135; Sec. 707(c)(3) of the Act.
102. Public Law 94-135, Sec. 113, Nov. 28, 1975 (42 USC 3056)
103. Public Law 93-29, May 3, 1973; Title IX of Older American Comprehensive Service Amendments; 42 USC 3061 et seq.
104. Public Law 88-452, Aug. 20, 1964
105. Public Law 93-203, Dec. 28, 1973 (29 USC 801 et seq.)
106. Public Law 93-29, May 3, 1973 (42 USC 3061 et seq.), Title IX
107. U.S. Code Congr. and Admin. News (1973), p. 1352
108. Sec. 902 of the Act; all of the program funds are currently being administered under five major contracts with the following organizations: Greenthumb, National Council on Aging, National Council of Senior Citizens, National Retired Teacher Association, Forest Service of U.S.D.A.
109. Sec. 902(b)(1)(C) of the Act
110. Sec. 902(b)(1)(L) of the Act
111. Sec. 902(b)(1)(J) of the Act; average benefit of participating workers is \$2,407 (Catalog of Federal Domestic Assistance, O.M.B., p. 514 (1975); possible work activity includes management, development, and conservation of parks, highways, and recreational areas of Federal, State and Local governments; the improvement and rehabilitation of community facilities; supplying social, health, and educational services to the poor.
112. Sec. 902(c)(1) of the Act
113. Sec. 903(a) of the Act
114. Sec. 904(b) of the Act
115. Sec. 906(a)(1) of the Act; Public Law 94-135, Sec. 113, Nov. 28, 1975
116. Sec. 906(a)(2) of the Act; Public Law 94-135, Sec. 113
117. Sec. 906(a)(3) of the Act; Public Law 94-135, Sec. 113

118. Sec. 906(c) of the Act; Public Law 94-135; November 28, 1975
119. Sec. 908 of the Act; Public Law 94-135, Sec. 113, Nov. 28, 1975. For appropriation and authorization levels, see APPENDIX I.
120. Sec. 902(b)(F) and (G) of the Act, as amended
121. Sec. 903(a) of the Act, as amended
122. Sec. 905(a) of the Act, as amended
123. Sec. 906(a) of the Act, as amended. This provision provides in part that the remainder is to be allotted among the States "so that each State will receive an amount which bears the same ratio to the remainder as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the corresponding product for all States...."
124. Section 906(a)(3) of the Act, as amended: "...the allotment percentage of each State shall be 100 per centum less that percentage which bears the same ratio to 50% as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than 33-1/3 per centum...."
125. Sec. 906(c)(1) of the Act, as amended
126. Sec. 906(c)(2) of the Act, as amended
127. Sec. 908(b) of the Act, as amended
128. Sec. 908(c) of the Act, as amended
129. Sec. 907(3) of the Act, as amended

APPENDIX I

Authorization to Appropriate
(in millions)

	***Section	1975	1976	TQ	1977	1978
<u>Title II</u>						
Ntl. Information & Resource Clnrg. House	204c	*	*	*	*	*
Administration On Aging	206c	*	*	*	*	*
<u>TITLE III</u>						
State & Community Programs On Aging	303a	\$130	\$180	\$57.75	\$231	\$287.20
Model Projects	308b	*	*	*	*	*
Transportation Projects	309a	\$35				
<u>TITLE IV</u>						
Training & Research	431	*	*	*	*	*
<u>TITLE V</u>						
Multipurpose Senior Centers:						
A--Acquisition, alteration, renovation	505a	*	*	*	*	*
B--Mortgage Insurance, Interest Grants	506h5 507c1	*	*	*	*	*
C--Initial Staffing	511d	*				
<u>TITLE VI (Repealed)</u>						
<u>TITLE VII</u>						
Nutrition Program:						
Meals & Services	708	\$150	\$200	\$62.5	\$200	\$ 275
Commodities(protein)	707c3	*	*	*		
Meals Assistance (707c3)	707a4	**	**	**	**	
<u>TITLE VIII(Repealed)</u>						
<u>TITLE IX</u>						
Community Service Employment	908	\$100	\$100	\$37.5	\$150	\$ 200

* "such sums as may be necessary"

** Mandated level of assistance to be furnished by the Secretary of Agriculture is 10 cents per meal for 1975; 15 cents per meal for Fiscal Year ending Sept. 30, 1976, and 25 cents per meal for fiscal year ending September 30, 1977.

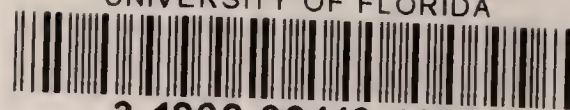
*** Sec. 112 of Public Law 94-135, November 28, 1975, extended authorizations to appropriate for Fiscal Years 1976 through 1978, and the transitional quarter (July 1, 1976 through September 30, 1976); and Section 113 of Public Law 94-135 extended authorizations to appropriate for Fiscal Years 1976 through 1978, and the transitional quarter.

APPENDIX I (Continued)

Title II	Author- izing Section	Appropriations (in millions)					1978
		1975	1976 ^{/1.}	1976 ^{/2.}	T.Q. ^{/2.}	1977	
Ntl. Information & Resource Clearing House	204c						
Administration On Aging	206c	\$4.9	\$4.9				
Federal Council . .		.5	.575	.575	.150		
Title III							
State & Community Programs On Aging:	303a						
State Administration		\$15	\$15	17.035	4.25		
Area Planning & Social Services		\$82	\$76	93.0	31.25		
Model Projects	308b	\$ 8	\$ 5	13.8	2.5		
		105	96	123.835	38.0		
TITLE IV							
Training & Research:	431						
A. Training		\$ 8	\$ 8	10.0	4.0		
B. Research		\$ 7	\$ 7	8.0	2.0		
C. Multi-Disciplinary Centers of Geron- tology				1.0	1.0		
		15	15	19.0	7.0		
TITLE V							
Multipurpose Sr. Centers							
A. Acquisition, alter- ation, renovation	505a				5.0		
B. Mtg. Ins., Interest Grants	506h5 507c1						
C. Initial Staffing	511d						
TITLE VII							
Meals & Supportive Services	708	\$125	\$125 ^{/3.}	31.25 ^{/3.}			
Commodities ^{/5.}	707						
TITLE IX							
Older Americans Commu- nity Service Employment	908	\$ 12	\$ 30		\$55.9 ^{/4.}		

1. Public Law 94-41 (HJ Res 499) Permitted continued operation of program pending specific appropriations at lower of Admin. budget request or operating level of 1975, except for Title IVA and IX which had specific levels to be maintained, and Title VII which had an authorization for FY '76.
2. Second Supplemental Appropriation, H.R. 13172, P.L. 94-303 (June 1, 1976).
3. Public Law 94-206; Jan. 28, 1976 (H.R. 8069) (Labor-HEW Appropriation)
4. Public Law 94-266 (H.J. Res. 890) Amendment to Swine Flu Immunization Bill; to remain available until June 30, 1977 (12 month period)
5. Funds made available annually to the Dept. of Agriculture from duties collected under the customs laws, as authorized by the Agricultural Adjustment Act of 1935, Ch. 641, Sec. 32 (7 USC 612c) have been sufficient, without the necessity for any additional appropriations, to support a number of special nutrition projects promoting domestic consumption of agricultural products, including donation of commodities to the Title VII program.

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